

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 5, 1963  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REV. ED HARTWELL, St. George's Episcopal Church.

MR. TOM GEE, Attorney representing a large group of merchants throughout the City, requested enforcement of the Sunday Closing Law; and asked if the matter could not be accomplished by agreement, that such action as appropriate be taken. Councilman Long inquired how the City was involved in the enforcement of this Law. The City Attorney made a detailed report, beginning with a review of the original Sunday Closing Laws enacted in 1863, and a discussion of the amendment in 1961, which provided injunctive relief against violations, and which enumerated the merchandise which could not be sold on two consecutive days of Saturday and Sunday. He explained the provision providing that when a purchaser would certify in writing that a purchase of an item of personal property is needed as an emergency for the welfare, health or safety of human or animal life, then the Act should not apply provided the merchant retains the signed certificate for proper inspection for a year. He explained the other provisions of the Law. He stated this Act gave public officials and private individuals the right to sue for an injunction to prohibit a violation of the law. He reviewed several cases on the Law--the first which arose in Fort Worth where a Department Store obtained an injunction against the District Attorney of Tarrant County prohibiting the enforcement of this Law. The District Attorney instead of appealing from that injunction went to the Supreme Court for a writ of prohibition against the District Judge. It was necessary for the Court in issuing its writ of prohibition against the District Judge to hold that the Act was valid. The District Court in Tarrant County was prohibited from enforcing this injunction against the District Attorney's attempt to enforce the Law. The City Attorney discussed briefly other cases in Corpus Christi and Lubbock; also the one in which the City of Austin was included. He reported that SPARTAN DISCOUNT DEPARTMENT STORE brought

suit against the Cities of Austin, San Antonio, Corpus Christi, Fort Worth, Dallas, and various others, in a District Court in Dallas County; and without hearing, the District Court at Dallas County granted a temporary restraining order against all of those named from enforcing the Law. Upon hearing, the District Court dissolved that injunction. There is a case pending to the Court of Civil Appeals of Dallas from the dissolution of that injunction. The City Attorney referred to another case in Corpus Christi concerning the merchant's obligation to test and satisfy himself that in a sale, there was an emergency.

The City Attorney explained the certificate that is to be signed by the purchaser before an officer who could administer oaths and with the required formality. Discussion covered public examination of these certificates; also the serious consequences of suborning perjury or false swearing, as set out in Sections 315 and 316 of the Penal Code.

The City Attorney reported that some merchants had made it known they intended to remain open without requiring certificates to be executed. Telegrams were sent to them asking what their intentions were, with the idea of reporting to the Council what steps should be taken. Replies were received from these merchants that they intended strictly to abide by the law. The City Attorney stated in 1961, shortly after the Act was passed, the Council reviewed the matter and tried to determine how much personnel and how much effort the City should undergo in enforcing the law. There was voluntary compliance and therefore no need for enforcement, and no decision to seek any injunction. He suggested that the Council probably would want to review this again.

MAYOR PALMER noted the large group of merchants present from down-town Austin and from the shopping centers wanted to remain closed on Sundays. He said the Council repeatedly had taken the position of legislating as little as possible into the matter of people's conducting their business affairs. Through a joint venture, the merchants on a voluntary basis complied with this law, and it had worked out very well. When information was received that some of the stores opened the past two Sundays, the Mayor stated he immediately contacted one of the local Managers who informed him he had to follow the directives of the home office. The Mayor was still trying to contact the Presidents of the Stores in New York and Chicago. In the meantime telegrams were sent to the local stores asking them of their intent. The Mayor read the replies from SPARTAN DISCOUNT DEPARTMENT STORES, and from Mr. Trueman O'Quinn, Attorney for SHOPPERS WORLD, both stating they would comply with Section 4A, Article 286A V.A.C.S. Mayor Palmer said those in business try to arrange working schedules that are good for the employees, and some of the laws are brought on by the fact some situations exist where it is necessary to get help through legal channels when certain businesses have certain policies that bring these things about. He noted apparently the persuasion or voluntary compliance had not accomplished what it had hoped it would. Councilman Long stated she wanted to see the State Law properly enforced and asked if it were up to the City to enforce this law or how it would be handled. The City Attorney explained the County Attorney and District Attorney would be willing to join in a suit for injunction and explained that any individual in the State was entitled to bring suit and to enjoin the activity as a public nuisance. He discussed this phase in detail. Councilman LaRue was interested in the merchant's responsibility to determine whether or not a sale was an emergency. The City Attorney referred to a case in Dallas against A & M SERVICE, INC., in which the Court's interpretation was that a merchant may not be exonerated merely by having a purchaser sign a slip of paper stating his purchases were for emergencies. Councilman White stated as long as there were only

two merchants who were non-cooperative with the Community, and all of the rest of the merchants were for closing, everything should be done to help them. Councilman Shanks suggested that the Council go on record that if the stores do intend to stay open, that the Council intended to see that they do abide by the letter of the Law. MR. GEE urged the City to take the initiative in this matter.

After further discussion, Councilman LaRue moved that the City Manager be empowered to take whatever steps necessary to enforce the law under Article 268A of the Texas Penal Code. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

MAYOR PALMER stated this was community problem, and it would be well to ask the buying public to be careful not to use these facilities for convenience, as they are for emergencies. He asked that all of the citizens as well as the merchants recognize their responsibilities in this regard.

Councilman White moved that the correction of the Minutes of October 31, 1963 be approved; the Minutes of the Regular Meetings of November 14th, 21st, and 26th, 1963, be approved; and the Minutes of the Special Meeting of November 23, 1963, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.77 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Oltorf Village Sec. 2)

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN

BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 7.562 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(St. Edwards Heights, Section 1)

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

MAYOR PALMER announced that GOVERNOR CONNALLY was to arrive at the Airport in a very few minutes; and for security measures it may be necessary to block off some space around the Mansion. Councilman Shanks moved that the Police Department be authorized and empowered to do whatever is required or requested for security purposes. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

At this point, MAYOR PALMER left the Council Meeting, and MAYOR PRO-TEM LaRUE presided.

MAYOR PRO-TEM LaRUE announced it was 10:30, and the public hearing on the following Annexation Ordinances was open:

- a. JAMESTOWN, SECTIONS 1 & 4 - 35.79 acres  
out of the James P. Wallace Survey No. 57.  
  
BRIARWOOD HILLS - 50.539 acres out of the  
Santiago Del Valle Grant.  
  
MARKHILLS - 12.011 acres out of the Santiago  
Del Valle Grant.
- b. Proposed RIVERBEND, SECTION 1 - 28.18 acres  
out of the J. A. G. Brooks Survey No. 28.
- c. 2.78 acres out of the Santiago Del Valle  
Grant - unplatted.
- d. Proposed HILL and DALE ADDITION - 5.00 acres  
out of the J. C. Tannehill League.

- e. 9.5 acres out of the William Barton Labor (Jack Andrewartha's property north of Robert E. Lee Road and adjoining the W. G. Bulian tract.)
- f. WESTOVER HILLS, SECTION 1 - 39.3 acres out of the James P. Wallace Survey No. 18.

No one appeared to be heard.

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF (A) 35.79 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NUMBER 57 IN TRAVIS COUNTY, TEXAS; (B) 50.539 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; AND (C) 12.011 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORIES LIE ADJACENT TO AND ADJOIN THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Jamestown, Sections 1 and 4; Briarwood Hills; and Markhills)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
 Noes: None  
 Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
 Noes: None  
 Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 28.18 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. A. G. BROOKS SURVEY NUMBER 28, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Riverbend, Section 1)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 2.78 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Unplatted)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 5.00 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF

AND A PART OF THE J. C. TANNEHILL LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Hill and Dale Addition)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.5 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE WILLIAM BARTON LABOR IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Terrace Village)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

Mayor Pro-tem LaRue brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 39.3 ACRES OF LAND, SAME BEING ALL OF WESTOVER HILLS SECTION ONE, A SUBDIVISION OF A PORTION OF THE JAMES P. WALLACE SURVEY NO. 18, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE. (Westover Hills, Section 1)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
 Noes: None  
 Absent: Mayor Palmer

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
 Noes: None  
 Absent: Mayor Palmer

Pursuant to published notice thereof the following zoning applications were publicly heard:

O. H. BUAAS &	2001 East 1st Street	From "C-1" Commercial
J. L. BUAAS, By	99-99 $\frac{1}{2}$ Lynn Street	To "C-2" Commercial
Mrs. W. C. Trousdale		RECOMMENDED by the Planning Commission

No opposition appeared. Councilman Shanks moved that the change to "C-2" Commercial be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
 Noes: None  
 Absent: Mayor Palmer

The Mayor Pro-tem announced that the change to "C-2" Commercial had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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J. A. SHELBY &  
ERIC ANDERSON  
By C.T. Uselton

1912-1916 Oldham Street  
707-711 East 19 $\frac{1}{2}$  Street

From "BB" Residence  
To "O" Office  
RECOMMENDED by the  
Planning Commission

No opposition appeared. Councilman White moved that the change to "O" Office be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the change to "O" Office had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN CORPORATION,  
DAVID B. BARROW  
By The Marvin Turner  
Engineers

1710-1718 Woodward Drive  
1700-1710 Doyle Drive  
3401-3419 San Marino Drive

From Interim "A" Residence and Interim 1st Height & Area  
To "B" Residence 1st Height & Area  
RECOMMENDED by the  
Planning Commission

No opposition appeared. Councilman White moved that the change to "B" Residence 1st Height and Area be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the change to "B" Residence 1st Height and Area had been granted and the City Attorney was instructed to draw the necessary ordinance to cover.

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MORTGAGE INVESTMENT  
CORP.  
By Frank Neely

8602-8824 North Lamar  
Boulevard

From Interim "A" Residence and "C" Commercial 1st Height & Area  
To "C-1" Commercial 1st Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "GR" General Retail on portion of tract now zoned Interim "A" Residence

No opposition appeared. Councilman Long moved that the change be granted



GOPHER CONSTRUCTION  
CO. - Cont.

Tract 3:  
2021-2027 Riverside Drive

From "A" Residence 1st  
Height & Area  
To "B" Residence 2nd  
Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "B" Resi-  
dence 1st Height & Area

No opposition appeared. Councilman Shanks moved that the change be granted to "O" Office 1st Height and Area for Tract 1; to "LR" Local Retail 1st Height and Area for Tract 2; and to "B" Residence 1st Height and Area for Tract 3. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Pro-tem LaRue  
Noes: None  
Absent: Mayor Palmer

The Mayor Pro-tem announced that the change had been granted to "O" Office 1st Height and Area for Tract 1; to "LR" Local Retail 1st Height and Area for Tract 2; and to "B" Residence 1st Height and Area for Tract 3 and the City Attorney was instructed to draw the necessary ordinance to cover.

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At this point the Mayor returned to the Council Meeting and presided.

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S. D. BASKIN  
By James A. O'Neal

1713-1741 Riverside Drive  
1200-1216 Parker Lane  
1712-1738 Lupine Lane

From "A" Residence 2nd  
Height & Area and  
"C" Commercial 2nd  
Height & Area  
To "LR" Local Retail  
5th Height & Area  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "LR" Local  
Retail 6th Height &  
Area

No opposition appeared. Councilman Long moved that the change to "LR" Local Retail 6th Height and Area, as recommended by the Planning Commission, be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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DR. J. L. LOVE  
By William B.  
Carsow

612 Rio Grande Street  
701-705 West 7th Street  
Additional Area:  
610, 611-613 Rio Grande  
611-615 West 7th Street

From "O" Office 2nd  
Height & Area  
To "GR" General Retail  
2nd Height & Area  
RECOMMENDED by the  
Planning Commission

MR. JOHN CAMPBELL represented the applicant, stating Dr. LOVE had a contract to sell to one needing this classification. The area is very near the commercial area of West 6th Street, and is surrounded by "O" Office, "C-1" Commercial, and "C" Commercial zoning. The area is in a transition stage, and there are many vacant lots. The proposed purchaser desires to have a wholesale electronics establishment and there would not be a great deal of traffic created. The change of zoning would not detract from any property values; in fact the upgrading would enhance the values. He asked the Council to approve the recommendation of the Planning Commission. DR. LOVE said he planned to construct doctors' offices on this property, but had found they preferred to build farther out. Opposition was expressed by MR. RICKEY KEY, representing his mother, MRS. PEARL R. KEY; and also MR. MALCOLM MILLIRON and MR. H. G. REINHACKEL. On a zoning map he showed locations of the "C-2" Commercial, "O" Office, and "C" Commercial zoning and described the uses in these various zones--some residential. He said the area was overzoned rather than underzoned; and in this immediate area, less than 10% of the property is being used to its maximum zoning use, and the area has developed under normal use. MR. KEY listed rates of rental on the commercial and office uses, ranging from .02¢ to .20¢ per square foot, and stated the type of business proposed to be put on this property would not produce the revenue of the type of business that is now in the area. The size of the lot is seven feet short of what is claimed, as Mr. Milliron has had possession of this land for over 50 years. The size of the lot could not take care of cars and any unloading, which would have to come from West 7th Street and Rio Grande. Eighty percent of the neighborhood is in opposition to this change of zoning. Mr. Key filed a petition signed by 23 people opposing the zoning change, and stating they felt a wholesale business and warehouse built on that property would cause a constant traffic nuisance, stop the present office use development and deteriorate property values. Residences could be diverted to offices, but not to commercial uses; and when the "O" Office Classification is taken away, and the "GR" General Retail established, one property owner would be penalized for another property owner. MR. CAMPBELL stated Dr. Love had not tried to obtain signatures on any petition, and none of the people appeared in the Committee meeting, outside of Mr. Key and himself. The Director of Planning stated much of the area was zoned "O" Office six or seven years ago; and there has been quite a bit of activity in the neighborhood recently. The Council deferred action until it could make an on-site inspection of the area. Later in the afternoon meeting, after the Council made this inspection, Councilman Shanks moved that the Council sustain the recommendation of the Planning Commission and grant the application as "GR" General Retail 2nd Height and Area. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

A. L. REITHER	915-917 West Live Oak St. 2103-2107 So. 5th Street Additional Area: 2109, 2201-2203 So. 5th Street	From "A" Residence To "LR" Local Retail NOT Recommended by the Planning Commission
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Councilman Shanks moved that the change to "LR" Local Retail be denied. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been DENIED.

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FRED WONG	2102 Goodrich	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
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MR. WONG represented himself in this application, stating the property was suitable for a little apartment hotel, and the area was large enough to provide three off-street parking spaces for each unit. He asked the Council to go by and look at this property, and stated he would abide by the Council's desires. Opposition was expressed by MR. R. C. TURNER, MR. ROBERT ARHELGER, 1707 Valeria, and MR. BRUCE GARDNER, 1711 Valeria, on the ideas this was a residential area with 75% ownership; that there were a number of older people living there who could not move to some place else; and that they should not have to have the additional traffic that would be created by these apartments on their narrow street. The Council wanted to make a personal inspection of the area. Later in the afternoon meeting the Council suggested that Mr. Wong be contacted to see if he would like to withdraw this application.

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FREDERICK EBY, JR.	Rear of 4300-4506 Mount Bonnell Road	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission RECOMMENDED "BB" Resi- dence 1st Height & Area with condition
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MR. ROBERT SNEED represented the applicants, stating ownership of the land is in FRED EBY, JR., who has entered into a contract with HAROLD ANDERSON under the terms of which is to acquire the property, contemplating one third would be acquired, then the next third, and then the final third. This application includes the land lying between the mean water mark of Lake Austin and the 504.9 contour line, the established city limit line. The remainder of the property between Mt. Bonnell Road and the 504.9 is outside the city limits, and

not subject to the zoning of the City, and is not included in this application. MR. SNEED stated for the record, that he was requesting the application be further amended so that the application is for "BB" Residence 1st Height and Area. The condition by the Planning Commission was that the Zoning Ordinance be amended under "BB" zoning so as to permit erection of clusters of apartments. The amendment would give the City the authority to regulate the site plan, and have complete control in such projects. Mr. Sneed stated he thought the City already had such authority. He discussed the serious problem of working out the utilities in the area, and his clients wanted this application clothed with authority that the apartments could not be built or the property developed without an adequate sewer line in place. He pointed out the great asset of the Lake; and on the Lake there are commercial and residential developments, and the City has jurisdiction of the development of the Lake. The location of this one-third of the property was pointed out on the Architect's plans, and Mr. Sneed described this particular area and the part between the 504.9 line and Mt. Bonnell Road, stating the entire development could be placed just above this area, between the 504.9 line and Mt. Bonnell Road, and more units could be constructed. The area below then could be developed into a playground where there would be more noise than is contemplated from the planned apartments. This proposed project would be self-contained, and there would be no flowage of cars into the neighborhood. As to boats, Westwood Country Club has boats, and nearly everyone on the lake has boats now. MR. BARROW, adjacent property owner, stated whatever the Council did would be satisfactory to him, as a private owner. Both his property and this property should be developed, but the access is something the Council should consider very carefully. Councilman Shanks asked Mr. Barrow if this property has been developed prior to his development on top of the Mountain, what effect would it have had on his mountain development. Mr. Barrow stated no major effect would have shown up on the sale at all, as the view is so spectacular. Whether or not the lake development had been there, the property would have sold. MAYOR PALMER inquired about the overflow rights, and the City Manager explained the easements providing for waiver of damages and right to flood to the extent that any properties might be flooded by the existence of the Tom Miller Dam, and to any elevation. The City Attorney stated Mr. Sneed would agree that it would be valid zoning for the Council to consider density in a flood plain. MR. FRANK BRYANT, Engineer, stated the Marvin Turner Engineers had made an extensive study of this matter, finding flooding is a remote possibility and would certainly be in keeping with the remoteness of the flooding of all other developments along the Town Lake. Detailed discussion was held on this subject. MR. SNEED requested that the application be granted and that the Zoning Ordinance be amended so that the City will exercise control of site plans so that there could not be any development that is not totally regulated by the City. Mayor Palmer asked about the nearest "B" Residence or "BB" Residence zoning. The Director of Planning pointed the areas out on the zoning map. MRS. FREDERICK EBY, JR. spoke in favor of the change and asked if the beer and bait places would be allowed to remain when the area was annexed.

Opposition was expressed by MR. CORBIN JOHNSON, 3425 Monte Vista Drive, stating this zoning would be an intrusion of apartments in a single family developed residential area, with the larger area also to be developed later for apartments. He said the topography of this particular region is important as far as the noise is concerned. Also he was concerned about the social activities around the swimming pool at night in addition to the increased activities in the area. Opposition was expressed by MR. WILL WILSON, stating there would be 240 units, two cars per unit; and 240 boats with motors. Provision had not been made for that many boats. The people on the lots above will be irreparably

hurt. He discussed whether the State might still have title to this land, and said he wanted to examine the title. He urged that the development of the level about the dam not be done piecemeal, but systematically, with a planned development, stating this Council has a chance to do something that no other Council will have, and that is making the Lake the best capital asset of the City. He asked if there were any need for more luxury apartments than are now available, and if there were land available, already zoned, that could be used for this type of development. Cars with boats attached, for 240 units will create a terrific traffic jam. MRS. JERRE WILLIAMS opposed the zoning as her property would be ruined in value; their living would be ruined by noises from the night swimming parties that are held in these apartment dwellings, and she asked that the Council get a Master Plan for this area. MR. H. K. SCHNELL opposed stating the noise was disagreeable now, and would be more so with the development below. MRS. WILL WILSON expressed opposition in the interest of her children, who are water skiers; and stated if 240 people were given access to the water, it would not be safe for the children to get out on that lake. MR. WOODROW PATTERSON expressed opposition, as Mt. Bonnell Road is a narrow, winding road on the bluff and with a lot of traffic coming up on the road, the hazard would be terrific. Then, with this development, there will be a flood of apartments and problems. There would be 2,400 apartments and maybe more, and this location is not the proper place for apartments. There will be a large density of population living away from the commercial centers, and these people cannot get to the community centers, and there is no way to create more road space in this area. Mr. Patterson said the residents in this area received no notice about the hearing before the Planning Commission. MRS. GORDON SIMPSON spoke in opposition. The Director of Planning stated he had recommended against the change as sewer could not be available for two years; there was a question of immediate availability of water from a public water supply; the matter of flooding, which had been discussed; and the access problem. He discussed developments on the whole shelf of land.

MR. SNEED pointed out 136 duplex units could be erected, and that would mean 136 motor boats. The owner has that vested right at this moment to make that type of development. He stated this would be a planned development; and when the new ordinance is passed, this planned development could be placed in "A" Residence as it would be controlled and subject to a site plan. Mr. Sneed inquired if it would be better to put in duplexes unregulated and uncontrolled and without beautification or to have a planned area controlled and regulated and one that would be the best development that could take place. He asked the Council to make a study and to go look at this area. The Council took no action as it wanted to make an on site inspection and give an answer as soon as possible.

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MR. JAMES H. GOLF, Econo-Car Rental Service, asked the Council not to take action on his application for space at the Airport Terminal, until he could have his attorney, Mr. John Coats present, since the recommendation was that his application not be granted. Councilman Long moved that this hearing be set on Monday, December 23, 1963. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council recessed until 4:30 P.M.

RECESSED MEETING

4:30 P.M.

At 4:30 P.M. the Council resumed its business.

MR. FRANKLIN DENIUS, represented the AUSTIN TRANSIT CORP., stating its Manager, MR. CLYDE MALONE, had received the most recent financial statement. Mr. Malone submitted the most recent statement, showing the Transit Company to be in bad financial condition; and stating the months of November through December were the best months of the year; but this year they were off \$5,600 over last year. Mr. Malone asked for relief as soon as possible, so that they could get some kind of adjustment by January 1st. Mr. Denius asked for consideration of adjusting the gross receipts tax as had been done in practically all of the cities in Texas. Councilman Long inquired if the St. Louis office could also join in with the City and the people who may have to pay more, and cut down on their 3% administrative charges. Mr. Malone stated he would certainly ask them. Discussed were statistics that 25% of the customers used transfers and 65% of the revenues was from companies which would justify a reduction in gross receipts tax; an estimated 5% loss of customers following a rate increase; and the wage increase to be negotiated in the spring of the year. Councilman Long stated she would be willing to reduce the 2% gross receipts tax, but she would not vote for the elimination of the tokens or the two cent charge on transfers. MAYOR PALMER stated he would not be in favor of reducing the gross receipts tax to .1 of 1%. Councilman Shanks did not want the Company to get in such a shape that the City would have to take it over. The City Attorney asked that in order to comply with the Charter requirements that the Company show by clear and convincing evidence the value of its investments. Mr. Denius stated they would supplement this information to comply with the Charter requirements.

MAYOR PALMER said he had received not one single complaint on this rate change, other than that of the one gentleman who was present at the hearing. The Mayor asked that Mr. Malone again consider the south-west Austin and the north-east Austin routes.

Councilman LaRue stated he believed there was an immediate problem about the loss of funds, and he believed this needed a long range look and a deeper appraisal. Councilman Shanks said postponing application action would jeopardize the Company, as it will take time to put the ordinance into effect and to amend the franchise, and the company has this new wage contract they will have to negotiate. Mayor Palmer outlined his proposal, that the two cent transfer charge be allowed; that the token fare be eliminated; and that the gross receipts for the first \$300,000 be subject to the 2% gross receipts tax; over and above that would be a .1 of 1%. The City Manager discussed their income tax figure. With a reduction in the net before taxes there would be some reduction in that figure. Councilman LaRue was concerned about the loss of 5% of the customers and stated it would be to the City's and Company's advantage to increase the number of riders and not decrease them, and the assumption is that 5% of the riders will be lost. Mr. Malone discussed this at length. Councilman LaRue asked for another week to look into this as there were quite a few questions he wanted to explore.

Councilman Long asked if the Council took action today, if this additional information previously called for could actually be a part of the rate hearing and the legal technicalities, and if the Company be asked to file a supplement on this. The City Manager stated it could. Councilman Shanks asked Mr. Malone if he thought this proposal of the Mayor's was fair, and Mr. Malone

stated he thought this was fair, and he believed they could manage with it. It would be within about \$7,000 of what they had asked. Councilman White stated if the Company is to get relief by January 1, something should be done today.

After discussion, Councilman Shanks moved that the Franchise of the Bus Company be amended whereby they pay two percent on the first \$300,000, and .1 of 1% thereafter. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Palmer  
 Noes: None  
 Present but not voting: Councilman LaRue

Councilman Shanks moved that the Bus Company be permitted to charge a two cent transfer charge, and also do away with the bargain rate of the tokens. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Shanks, White, Mayor Palmer  
 Noes: Councilman Long  
 Present but not voting: Councilman LaRue

Mr. Denius stated he understood this was conditioned on their supplying the supplemental information, and stated they would work with Mr. LaRue between now and next week.

The City Manager reported that a year ago a study was commenced to determine what the generator requirements would be; and in January a report was filed by BROWN & ROOT, INC., which indicated it would be necessary to install and have in operation by the summer of 1966 the generator unit which is referred to as Holly No. 13 and which is a 165/200 KW Generator. The study further indicated as the City's growth continues, by the summer of 1969 there will be another unit needed. A few weeks ago it was discussed that another site should be located. This next unit which is needed will be larger than Unit No. 3, and the Holly Street site and the cooling water available will not support a unit the size that will have to be constructed. In addition to planning a new generator it is necessary to plan and find a new site. Brown and Root, Inc. was asked to make a proposal with reference to the whole program. He distributed copies of this program. The City Manager explained this proposal which is a cost plus, contract, which provides the City would pay to them for services rendered their direct salary costs plus 100%, and their other expenses plus 10% with a ceiling. This is the formula normally used in the cost plus methods of payment of engineers. He stated there was a ceiling price. The studies would include locating a site and studies for the work that needs to be done at the site to determine how to best provide for the cooling water system, dams, reservoirs, etc.; for the cooling water, and for the design of the power plant itself. The contract will be cost plus--labor plus 100% and non-labor expenses plus 10%. The total cost of the plant will be around \$33,000,000. The City Manager referred to Page 7 of the Proposal as to the Timing Schedule, stating the engineering contract should be awarded by the end of 1963 to enable the site selection to be made early in 1964, and discussed the schedule through the time the 365/400 KW unit would be completed and ready in the summer of 1969. The Council discussed the proposal at length, with Mr. O. E. Lundelius, Chief Electrical Engineer, Brown & Root, Inc. The Mayor stated the Council would review this more and make a decision before December 23rd.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ROBERT C. AMMANN, JR. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"December 3, 1963

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Fork Lift Truck for Central Stores #1

"Bids were received in the office of the Purchasing Agent at 10:00 A.M. November 25th for one 10,000 pound capacity, gasoline powered Fork Lift Truck.

"Invitation to bid was sent all firms who we thought would be able to bid. Three bids received. Two vendors replied that they only manufactured fork lifts up to 8000 lbs. and were unable to bid.

"Bids are as follows:

C. H. Collier Co., Dallas, bidding on Hyster Truck	\$10,886.50
L. M. Coates Co., Houston, bidding on Tow Motor Truck	11,443.00
Briggs Weaver Co., Houston, bidding on Yale Truck	11,181.00

The C. H. Collier Company furnished an alternate bid for a 12,000 pound capacity truck for \$225.00 additional or \$11,111.50.

"RECOMMENDATION: Since a 12,000 lb. capacity truck will be more

versatile for our use and we can obtain 20% more work for only 2% more cost, and since the price of the 12,000 pound capacity truck is lower than other bids for the 10,000 pound trucks, it is recommended that award be made to C. H. Collier Company for the 12,000 pound capacity Hyster Fork Lift Truck at \$11,111.50.

"W. T. Williams, Jr.  
City Manager"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 25, 1963, for one Fork Lift Truck for Central Stores #1; and,

WHEREAS, the bid of C. H. Collier Company, in the sum of \$11,111.50 for one 12,000 lb. capacity lift truck, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of C. H. Collier Company, in the sum of \$11,111.50 for one 12,000 lb. capacity fork lift truck, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with C. H. Collier Company.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"December 2, 1963

"W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, November 29, 1963 at the Office of the Director of the Water and Sewer Department for the construction of an 8-inch and 6-inch water main and 8-inch sanitary sewer main in SANTOS STREET AND CANAL STREET. The bids were publicly opened and read in the Second Floor Conference Room of the Municipal Building.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Austin Engineering Company	\$13,586.00	10
Ford-Wehmeyer, Incorporated	14,049.56	10
Fairey-Simons Company	14,117.50	20
F and S Company	14,250.45	20
Walter W. Schmidt	15,111.15	25
Bland Construction Company	16,016.80	25
City of Austin (Estimate)	15,048.50	

"It is recommended that the Contract be awarded to the Austin Engineering Company on their low bid of \$13,586.00 with 10 working days.

"Yours truly,  
s/ Victor R. Schmidt, Jr.  
Assistant Director Water and Sewer Department  
s/ Albert R. Davis, Director Water and  
Sewer Department"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 29, 1963, for the construction of an 8-inch and 6-inch water main and an 8-inch sanitary sewer main in Santos Street and Canal Street; and,

WHEREAS, the bid of Austin Engineering Company, in the sum of \$13,586.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Austin Engineering Company, in the sum of \$13,586.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Austin Engineering Company.

The motion, seconded by Councilman Long, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"December 3, 1963

"TO: Honorable Mayor and Members of the City Council

SUBJECT: Bids for Automotive Replacement Batteries - Contract for twelve months, December 1, 1963 - November 30, 1964.

"Subject bids were received at the office of the Purchasing Agent at 2:00 P.M.

December 3, 1963.

"Bids are for replacement automotive batteries for all departments. This includes service to City cars and trucks from 7:00 A.M. - 7:00 P.M. on week days.

"Invitation to bid was advertised in the Austin American for two consecutive weeks prior to opening of bids. Also invitation was sent to all firms who have bid in the past. Only four bids were received. Montgomery Ward who was low bidder in 1962, Wesley Pearson, General Tire Company and Austin Battery and Electrical Company.

"The four bids received are given below:

Montgomery Ward -----	\$ 7,556.66
Austin Battery & Electric Company -----	7,682.22
General Tire Service Company -----	10,051.28
Wesley Pearson -----	10,083.15

"Montgomery Ward's low bid this year is identical to their bid in 1962.

"The prices quoted last year and this year are the lowest we have ever received and it is recommended contract be awarded Montgomery Ward. The quality of the batteries and the service of Montgomery Ward during the past three years have been excellent.

"W. T. Williams, Jr. City Manager"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 3, 1963, for Automotive Replacement Batteries - Contract for twelve months, December 1, 1963 - November 30, 1964; and,

WHEREAS, the bid of Montgomery Ward, in the sum of \$7,556.66, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Montgomery Ward, in the sum of \$7,556.66, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Montgomery Ward.

The motion, seconded LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The City Manager submitted the following:

"December 3, 1963

"To: W. T. Williams, Jr., City Manager      Subject: Tabulation of Bids for Metal Building Brackenridge Hospital

"We are transmitting herewith copies of Bid Tabulation for Metal Building at Brackenridge Hospital.

"This building is 50' x 80', and is to serve as a warehouse for Building Maintenance & Operations and for supplies purchased by the Purchasing Agent at the Hospital.

"As indicated in our last weekly progress report, we had estimated the contract price at \$9,000.00.

"We are advised by Mr. Tobias that adequate funds are available for this work.

"The low bidder, Wright Building Sales Company, has done very good work for the City in the past, and we are joined by Mr. Tobias in recommending that this contract be awarded to WRIGHT BUILDING SALES COMPANY for the lump sum of \$3,388.00.

"From: A.M. Eldridge, Supervising Engineer  
Construction Engineering Division  
Signed: A. M. Eldridge"

"PROJECT: METAL BUILDING, BRACKENRIDGE HOSPITAL, CITY OF AUSTIN.  
BID OPENING: 2 P.M., Tuesday, December 3, 1963, in the Office of the City Manager.

BIDDERS	BASE BID	COMPLETION TIME	BID BOND
ARCHIE C. FITZGERALD P. O. Box 1194 Austin, Texas	\$10,200.00	75 calendar days	5%
W. J. FULLERTON Construction & Steel Bldg. Company Box 689 Taylor, Texas	\$ 9,750.00	21 calendar days	5%
WRIGHT BUILDING SALES COMPANY 6024 N. Lamar Austin, Texas	\$ 8,388.00*	60 calendar days	5%

\*Low Bid"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 3, 1963, for construction of a metal building at Brackenridge Hospital to serve for building maintenance and operation and for supplies; and,

WHEREAS, the bid of Wright Building Sales Company, in the sum of

\$8,388.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Supervising Engineer, Construction Engineering Division of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Wright Building Sales Company, in the sum of \$8,388.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Wright Building Sales Company.

The motion, seconded by Councilman Shanks, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council deferred action on the DON A. RIDLEY INTERIORS OF HOUSTON for furnishing and installing draperies at the Auditorium, for further study by the City Manager and for giving members of the Council an opportunity to check into this.

Councilman Shanks offered the following resolution and moved its adoption

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of Phi Kappa Tau Fraternity for a building permit together with a site plan dated December 4, 1963 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2506 Rio Grande, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting a fraternity house the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is nine parking spaces; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That nine (9) spaces is an adequate number of parking spaces for the establishment shown on the site plan of Phi Kappa Tau Fraternity dated December 4, 1963, for use of the premises for the purpose of erecting a fraternity house.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of Retail Merchants Association for a building permit together with a site plan dated December 4, 1963 meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 705 Rio Grande, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of office building the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is seventeen (17) parking spaces; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That seventeen (17) spaces is an adequate number of parking spaces for the establishment shown on the site plan of Retail Merchants Association dated December 4, 1963, for use of the premises for the purpose of office building.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager stated four spaces were proposed for the Retail Merchants Ass'n operation and 13 spaces were reserved for the rental property.

Councilman LaRue moved that the Council set a hearing at 10:30 A.M., December 12th, to hear the appeal of the OPTIMIST CLUB OF SOUTH AUSTIN from decision of the Solicitation Board. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long moved that the City Manager be authorized to readvertise for bids on Police and Fire Prevention Department uniforms. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 15th day of November, 1963, in the cause of City of Austin

vs. McGaughey, et ux, No. 130,430 in the 53rd District Court of Travis County, Texas, the City of Austin obtained a judgment against Millard Carlton McGaughey, et ux Hazel McGaughey wherein the Court ordered, adjudged and decreed that the City of Austin have and recover from the defendants the sum of Four Hundred Thirty Five and 73/100 Dollars (\$435.73) together with seven per cent (7%) per annum interest thereon from said date until paid, and that the City of Austin have foreclosure of its special assessment paving lien on the following described property;

All of Lot 1, Block A, Pannell Place, City of Austin, Travis County, Texas, according to a plat in Volume 4, Page 320 of the Plat Records of Travis County, Texas;

and,

WHEREAS, the Austin Title Company, Inc., a Texas corporation having its principal place of business in Austin, Texas, has indicated a desire to take an assignment and transfer of the said judgment and pay the City of Austin the full amount due and owing on the said judgment; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized and directed to execute an assignment and transfer of the aforementioned judgment to the Austin Title Company upon payment of the full amount due and owing to the City of Austin under the terms of the said judgment as of the date of execution of the said assignment and transfer.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

MAYOR PALMER announced he would like to reappoint MR. BILL PETRI, DR. EDMOND HEINSOHN, and MR. R. MAX BROOKS to the Austin Housing Authority for a two year term extending to December 23, 1965. Members of the Council endorsed these appointments.

MAYOR PALMER read a letter from REVEREND ROWE and others asking the Council to set another hearing on the Human Relations proposed ordinance on December 19th, if possible. Councilman Long moved that the Council set 2:30 P.M., December 19, 1963, as the hearing date. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long moved subject to their acceptance, the Council reappoint the following members to the Solicitation Board for a term extending to November 5, 1965:

MRS. E. T. MORRIS  
MR. R. V. MILLER

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman LaRue moved that the Council reappoint the following members to the Library Commission for a two year term extending to January 1, 1966:

MR. O. DOUGLAS WEEKS	MISS HELEN HARGRAVE
MRS. A. W. HARRIS	MRS. HERBERT ASH
MR. R. W. PETTWAY	MR. EDMUNDS TRAVIS
MRS. L. C. PROCTER	MRS. W. E. SHALLENE
MR. W. J. WEEG	MRS. RALPH HANNA
MRS. CLAUDE HILL	MR. T. H. WILLIAMS, JR.
MRS. JOHN BROAD	REV. ROBERT L. ROWE
MRS. ROBERT BATTLE	MRS. IRWIN SPEAR

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman LaRue moved that the City Manager be authorized to transfer \$1,500 of the operating funds of Travis County Water Control District No. 7 to its Interest and Sinking Fund. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager stated MRS. JOHN BARROW, member of the Citizens Committee for Community Improvement, had made several inquiries--one about stationery; one about the organization of the Committee; and whether or not the Committee was authorized to go direct to the Departments to make inquiry. The City Manager with reference to the last question, recommended that their requests be written to him; and if they were involved he would bring them before the Council. As to the organization, he stated the regulations would be re-examined to see just what their duties are supposed to be. As to the stationery, the City Manager inquired about the letterheads, and listing the names of the Committee on the letterhead. Councilman Long suggested that all of the names of the Committee be included on the stationery, but she did not think the names of the Council should be listed.

The City Manager reported for information, that MR. JACK KLITGAARD had been requested by the County Tax Assessor and Collector that his Department be permitted to look through the City's tax records on property outside the city limits, but inside the School District, to locate properties that have buildings on them, so they can send their own appraisers out to evaluate them. The City Manager stated these records were public records, and he was just advising the Council in case they received some calls.

The City Manager submitted a drawing of the bait house off Riverside Drive, on Town Lake. Councilman LaRue moved that the Council refer this proposal to the Town Lake Study Committee. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor stated while this matter was being reviewed by the Committee, he would like to ask that a fair ground rental be determined. The City Manager stated it had been suggested that every commercial activity on the lake be charged a reasonable and fair rental, and that the approach of percentage of gross receipts be used.

The City Manager received provisions of a contract between the City and State Highway Department for the Traffic and Transportation Study which had been discussed before, stating it enumerates all the studies made by the Traffic and Transportation Department during the recent years; population and trends and studies made by the Planning Department; the Origin and Destination Study as basic data on which this plan could be built; provides that the work should be done under the Direction of the State Highway Engineer for this District, directed by a committee composed of representatives of the City, State Highway Department, Bureau of Public Roads, and Travis County. Whatever plan they come up with would be approved by each of the parties as the Traffic and Transportation Plan for the area. It is a plan subject to being changed. The City's share will be 15% or about \$6,700.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the public convenience, safety and necessity of the City of Austin and the people of the City of Austin require proper urban transportation planning; and,

WHEREAS, the City of Austin has always sought means and methods for providing for urban transportation planning; and,

WHEREAS, the State of Texas has made it known that it will join the City of Austin in making a comprehensive urban transportation plan of an area including the City of Austin; and,

WHEREAS, it is necessary that the City of Austin and the State of Texas enter into a contract for the making of said comprehensive urban transportation plan; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to execute on behalf of the City of Austin said contract for making a comprehensive urban transportation plan between the City of Austin and the State of Texas and to transmit the same to the State of Texas for appropriate action.

The motion, seconded by Councilman Shanks, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager made a report on the Progress Report on the Workable Program of Community Renewal, and submitted revised copies which included additional information called for from the Director's office in Washington. He reported the Fort Worth office had approved the Kealing Plan. It was likewise approved by the Washington office; but when it reached the Director's desk, he disagreed with the Fort Worth office on the basis the City had not indicated enough progress. Mayor Palmer read a letter dated November 14th from the Fort Worth office stating after a review of statistics, etc., Area 4 seemed to meet the basic criteria as to size, boundaries, and what could be carried out in the time limit, and that the eligibility for a General Neighborhood Renewal Program be restricted to the 779 acre area designated as one of the alternatives. The flooding problem was of major concern. Suggestions were made, and the Fort Worth office noted the substantial expenditures for utilities, streets, and public facilities in the East Austin area which the City had proposed. The City Manager outlined Area 4 as being between Airport Boulevard, East 7th Street, Northwestern Avenue and the railroad, Rosewood Park, and East 12th Street on the north, and it includes most of the flood area. If more than 80% of the area that is affected by improvements is in the project, then full credit would be given for the cost of the project. The original approach was to put in dams which would pond the water and impound it, and knock the crest off of the flood waters coming down the creek. Now it is suggested that two other possibilities for correcting the flood conditions be explored -- one, to run the by-pass all the way down to the river; the other is to widen and deepen Boggy Creek down to the mouth of the creek. The Fort Worth office thought this would be better flood control than the impounding process which is designed on the basis of a 25 year flood control. Councilman Long asked if the Council could have copies of the letter the Mayor read. The City Manager said at a recent meeting of the Urban Renewal, the Board decided to do nothing temporarily with any part of Glen Oaks until Kealing has been approved. No action was taken by the Council.

The Director of Public Works reported the TEXAS CRUSHED STONE COMPANY had offered a stock pile containing 48,000 cubic yards of crushed rock at 50 cents a yard. The plant is being dismantled, and this supply is available. This will be a two year supply, and the City will not have to pay rent for this area for this period. After discussion, Councilman Shanks moved to buy this crushed rock as recommended. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The City Manager discussed the selection of an architect, stating most of the City's work involved engineering services. He stated the Traffic Engineer needs a small building designed for a sign and signal shop and this would need architectural services. The Architects do not approve of being selected by drawings. The Director of the Texas Society of Architects recommends that some selection method be used based on the capability of and experience of the Architect. The Assistant City Manager stated he would get a recommendation from the Architects, and the Mayor suggested they put it in writing. Councilman LaRue suggested that other larger cities be contacted as to how they select their architects.

The City Manager stated the Officers of the National Science Association invited the Council, City Manager and Department Heads to a luncheon at the

Natural Science Center, Thursday, December 5th or 12th. The Council agreed to attend on December 12th.

The Mayor stated the Council had received a letter from MR. H. B. DUNNAGAN stating the Tennis Courts should be free. He had a document signed by all of the members of the Association stating if and when the Director of Recreation recommended an increase in the Tennis Court fees; they were all for it. They stated they are real pleased with the new concession stand and the new Pro who is doing an excellent job.

The Director of Public Works stated there was a five million dollar development proposed between St. Johns Avenue and the subdivision to the north from Duval to the Interregional. An ordinance has been passed declaring the necessity to pave Duval and Blackson Avenue at 30' widths. The Director of Public Works said with all of the traffic that would be generated by this development, he would recommend that the paving ordinance be amended and use amended assessments and make the paving on Duval and Blackson 40' instead of 30' wide. After discussion, Councilman Long moved to amend the ordinance to make Blackson and Duval 40' in width. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Attorney made a brief report that the purchase of Travis-Williamson County Water Control and Improvement District No. 1 was completed this week.

The City Attorney also reported that Judge Watson entered an order refusing to call an election on the incorporation of PILOT KNOB. This action will clear the way for the purchase of Water Control District No. 6.

The Mayor inquired about the matter referred to in the letter dated December 3, 1963, from Mr. George Sanchez, 2201 Scenic Drive. The City Manager stated the matter was a Board of Adjustment matter, and it had been turned down; he assumed now that an application for change of zoning had been made.

There being no further business Councilman LaRue moved that the Council adjourn. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council adjourned at 8:35 P.M. subject to the call of the Mayor.

APPROVED

*Paul E. Palmer*  
Mayor

ATTEST:

*Olin Howley*  
City Clerk